

United States Court of Appeals
For the Eighth Circuit

No. 14-2663

United States of America

Plaintiff - Appellee

v.

Michael C. Moylan

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: January 20, 2015

Filed: February 3, 2015

[Unpublished]

Before SMITH, GRUENDER, and BENTON, Circuit Judges.

PER CURIAM.

Michael C. Moylan directly appeals the district court's¹ judgment revoking his supervised release and sentencing him to 24 months in prison. In a brief filed under

¹The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

Anders v. California, 386 U.S. 738 (1967), counsel argues that the court imposed a substantively unreasonable sentence and did not adequately consider the 18 U.S.C. § 3553(a) sentencing factors. Counsel moves to withdraw.

After careful review, this court affirms. *See United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (this court reviews revocation sentence for abuse of discretion, first reviewing for significant procedural error, and then considering substantive reasonableness). The district court identified the relevant sentencing factors; explained its reasoning for the sentence with specific reference to some of those factors, including the nature of the violation, Moylan's history and characteristics, and the goals of deterrence and protecting the public; and did not commit a clear error of judgment. *See id.* at 917 (outlining substantive-reasonableness test); *see, e.g., United States v. Hum*, 766 F.3d 925, 927-28 (8th Cir. 2014) (per curiam) (rejecting argument that district court failed to adequately consider § 3553(a) factors and relied too heavily on its previous statement that it would impose maximum sentence if defendant violated supervision again, as court properly considered defendant's history and noncompliance on supervision, court's previous leniency, and need to deter and maintain respect for court's directives); *United States v. Merrival*, 521 F.3d 889, 890-91 (8th Cir. 2008) (affirming maximum revocation prison sentence of 24 months, where defendant had been given repeated chances but continued to abuse alcohol and drugs, and district court found that further supervision would be inadequate to deter or rehabilitate him).

The judgment is affirmed. Counsel's motion to withdraw is granted.
